

## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** September 13, 2007

**COUNCIL DISTRICT:** 4  
**SNI AREA:** N/A

**SUBJECT: PDC06-093. PLANNED DEVELOPMENT REZONING FROM IP – INDUSTRIAL PARK TO A (PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 706 SINGLE-FAMILY AND MULTI\_FAMILY ATTACHED RESIDENCES AND 25,000 SQUARE FEET OF RETAIL COMMERCIAL ON A 10 GROSS ACRE SITE, LOCATED ON THE NORTHWEST CORNER OF ZANKER ROAD AND TASMAN DRIVE (3811 ZANKER ROAD) (FAIRFIELD DEVELOPMENT).**

### RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning from the IP – Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 706 single-family attached residences on a 10 gross acres site. As part of the motion, members of the Planning Commission indicated concern over the adequacy of schools, parks and retail to serve the residential development in North San José.

### OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 706 multi-family attached residences may be built on the subject 10 gross acre site provided the project meets the proposed Development Standards. This future development would be subject to a Planned Development Permit.

### BACKGROUND

On September 12, 2007, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. Discussion at the public hearing for this item was combined with the applicant's other proposal (PDC 06-061 for up to 183 units.) in close proximity to this project site.

Staff gave an overview of the two projects including presentation of a neighborhood plan including a 5-acre park incorporating the 2.38 acre dedication proposed by the developer in combination with land dedication and park fees from future projects. Staff also summarized the public outreach that

had occurred during the review of the project. Ed McCoy, representing Fairfield, gave an overview of the two projects and the extent to which they have worked with staff to bring the projects in to compliance with the North San José Area Development Policy. He indicated that based on student generation rates from other Fairfield developments, the projects would together be expected to yield approximately 94 school age children starting in 2010. He said that they intend to stay involved with the school planning efforts of the North San José Development Policy. He emphasized that it would be appropriate to proceed with the approval of this project in light of the ongoing efforts of the North San José Taskforce.

No one from the public spoke in support or opposition to the projects.

The Planning Commissioners during their discussion, were generally supportive of the projects, particularly the proposed density in close proximity to transit and the proposed park dedication. Concerns were expressed regarding the amount of commercial proposed, given the lack of existing commercial in the area. Staff clarified that the amount of proposed commercial was appropriate given the scale of the project and that additional commercial development was anticipated as part of future projects. The Commission sought clarification from the applicant on their estimates of the number of students that would be generated from the projects. Staff indicated that the estimates of student generation were realistic given the number of students in similar types of projects in San José.

The Director of Planning gave an overview of the purpose and work program for the North San José Taskforce including the issues that they would be addressing and their role with respect to reviewing projects. He indicated that it was not staff's role to stop projects from moving forward and that the Council was scheduled to discuss how to proceed with other pipeline projects (in light of ongoing North San José Taskforce efforts) at the September 25<sup>th</sup> Council hearing.

With respect to parks, the Commission suggested that the City should move to secure the additional property adjacent to the 2.38 site proposed to be dedicated as part of this project, in order to ensure the eventual development of a 5 acre park.

### **ANALYSIS**

Approval of the proposed rezoning would implement the North San Jose Policy to provide high density residential with supportive neighborhood-serving commercial uses. See staff's report dated September 4, 2007 for complete analysis of project.

### **EVALUATION AND FOLLOW-UP**

No specific Council direction has been made to staff for follow-up action prior to Council action on the subject site rezoning.

### **POLICY ALTERNATIVES**

Not Applicable

### **PUBLIC OUTREACH/INTEREST**

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

One community meeting was held to discuss this application on August 16, 2007. Approximately 10 community members attended this meeting who were generally supportive. Previously, in 2005, City staff conducted a series of general community meetings related to drafting of the North San José Area Development Policy. Also, staff held further community meetings regarding implementation of the North San José Area Development Policy.

### **COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

### **COST SUMMARY/IMPLICATIONS**

Not applicable.

### **BUDGET REFERENCE**

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

September 13, 2007

**Subject:** PDC06-093

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**CEQA**

Resolution No. 72768.

  
*for* JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Richard Buikema at 408-535-7800.

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, Third Floor  
San José, California 95113

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 9-12-07 Item # **4.e.**  
C.C. 9-25-07

File Number PDC06-093

Application Type  
Planned Development Rezoning

Council District: 4

Planning Area North San José

Assessor's Parcel Number(s)  
097-07-086

### PROJECT DESCRIPTION

Completed by: Rodrigo Orduña

Location: Northwest corner of Zanker Road and East Tasman Drive

Gross Acreage: 10.01 AC

Net Acreage: 10.01 AC

Net Density: 70.57 Dwellings Per Acre

Existing Zoning: IP-Industrial Park

Existing Use: Vacant Buildings

Proposed Zoning: A (PD) Planned  
Development

Proposed Use: Up to 706 single-family and multi-family attached residences,  
25,000 square feet of retail space, and underground parking.

### GENERAL PLAN

Completed by: RO

Land Use/Transportation Diagram Designation  
Industrial Park w/ Transit Employment Residential Overlay

Project Conformance:  
☐ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: RO

North: Vacant Land and Industrial Park Building

IP – Industrial Park

East: Industrial Park Buildings

IP – Industrial Park

South: Vacant Land and Industrial Park Buildings

IP – Industrial Park

West: Industrial Park Building

IP – Industrial Park

### ENVIRONMENTAL STATUS

Completed by: RO

☒ Environmental Impact Report found complete (North San José Policy  
Update EIR certified June 21, 2005 per City Council Resolution No 72768 – State  
Clearinghouse #2004102067)

☐ Exempt  
☐ Environmental Review Incomplete

☐ Negative Declaration circulated on

☐ Negative Declaration adopted on

### FILE HISTORY

Completed by: RO

Annexation Title: Lick No. 24

Date: 03/16/1982

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions  
☐ Denial  
☐ Uphold Director's Decision

Date **SEPT 4, 2007**

Approved by: **Andrew Ceballos**  
☐ Action  
☒ Recommendation

### APPLICANT/OWNER/DEVELOPER

Fairfield Development, LP  
5510 Morehouse Drive, Suite 200  
San Diego, CA 92121

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: RO

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**Department of Public Works**

See attached memorandum dated 08/30/07. At the time of Planned Development Permit issuance, the project will be responsible with compliance with the Conditions of Approval listed in this memorandum.

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**Other Departments and Agencies**

See attached memoranda from the Valley Transportation Authority (03/16/07), Department of Parks, Recreation, and Neighborhood Services (03/02/07), Police Department (09/11/06), Fire Department (09/07/06), Santa Clara County Roads and Airports Department (03/07/07 and 09/05/06), Santa Clara Unified School District (09/05/07).

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**GENERAL CORRESPONDENCE**

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None Recieved

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**ANALYSIS AND RECOMMENDATIONS**

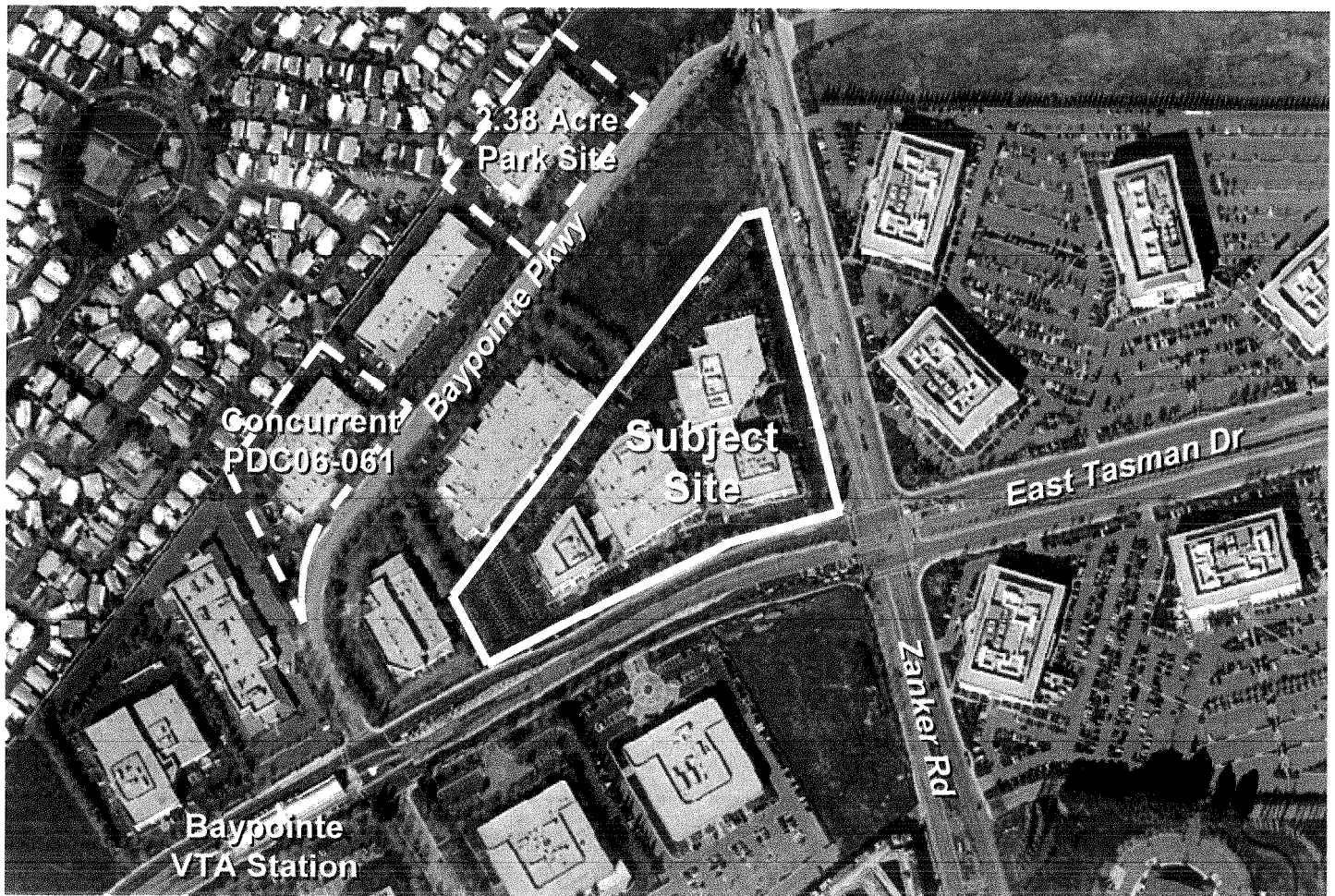
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## BACKGROUND

The applicant, Fairfield Residential LLC, is requesting to rezone the subject site from IP – Industrial Park Zoning District to A (PD) Planned Development Zoning District to allow up to 706 single-family attached and multi-family attached residential units, 25,000 square feet of retail space, and underground parking, on a 10.01 acre site (approximately 70 dwelling units per acre). A corresponding Planned Development Permit for the project (File No. PD07-033) is currently on file and under review. The Planned Development Zoning application was filed on August 23, 2006.

Surrounding land uses include industrial park uses on all sides of the subject property: to the east, west, north, and south. This same applicant is also proposing to rezone a 3.16-acre site in the general vicinity long the northwest side of Baypointe Parkway to the northwest of the subject site (File No. PDC06-061).





Aerial View of Site and Surrounding Context

### Project Description

The proposed planned development rezoning allows for the development of up to 706 single-family attached and multi-family attached residential units, 25,000 square feet of retail space, and underground parking, on a 10.01 acre site (approximately 70 dwelling units per acre). No on-site dedication of park is proposed. The project will be required to comply with the City's Parkland Dedication and Parkland Impact Ordinance in a manner that contributes to the dedication and/or improvement of a park of a minimum of 5 acres in size at a location within 1,000 feet of the subject property.

The applicant proposes to dedicate a 2.38 acre site to the north of the subject site that has the potential to be expanded to ultimately achieve a 5-acre park in accordance with the provisions of the North San José Area Development Policy. The applicant proposes that the concurrent application, PDC06-061, would pay PDO/PIO fees to contribute toward the purchase of additional acreage to add up to 5 acres within this Transit Employment Residential Overlay area as other nearby properties develop with residential uses.

The maximum proposed building height is 70 feet. Additional development standards which address setbacks, building design and other project details are included in the draft General Development Plan Standards (attached) and discussed as appropriate below.



## ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the *North San José Area Development Policy*. The Final Environmental Impact Report (EIR) for the North San José Area Development Policies Update was certified and the project approved by the City Council in June 2005. Santa Clara County and the Cities of Milpitas and Santa Clara subsequently legally challenged the EIR. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared in accordance with an addendum to the Final EIR. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, hydrology and hazardous materials. Based on the analysis in the Initial Study, it has been concluded that the North San José Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

## GENERAL PLAN CONFORMANCE

The project site is designated Industrial Park, with the Transit Employment Residential overlay and Floating Park designation on the *San José 2020 General Plan Land Use/Transportation Diagram*. The Transit Employment Residential overlay allows residential development at a minimum average density of 55 units per acre as an alternate use to the underlying Industrial Park designation. The designation allows commercial uses on the first two floors of a mixed-use residential development. The designation also allows for public park uses within the overlay areas. The proposed project is consistent with this General Plan designation.

The project is consistent with the Economic Development Major Strategy of the General Plan in that locating new residential areas at specific locations in close proximity to employment areas, and in combination with specific transportation improvements, supports the intensification of industrial development within the North San José Area, the driving force behind the update of the Policy. This proposal allows for location of residential uses near industrial uses and near transit stations, thus supports this Major Strategy.

## PUBLIC OUTREACH

One community meeting, with public notification of a 1,000-foot radius, was held to discuss this application on August 16, 2007. Approximately 10 community members attended this meeting. Previously, in 2005, City staff conducted a series of general community meetings related to drafting of the North San José Area Development Policy. Also, staff held further community meetings regarding implementation of the North San José Area Development Policy. Approximately 150 members of the public attended the first of these implementation meetings, held on December 19, 2006. Subsequently staff held two community meetings on Saturday April 21, 2007 and one on Monday April 23, 2007. Approximately 40 community members attended at least one of the three workshop sessions. These workshops provided extensive opportunity for discussion and input from the community to guide the ongoing implementation of the Vision North San José project and the development of parks and recreational facilities plan for North San José. Staff has also presented the North San José Area Development Policy at a River Oaks Neighborhood Association meeting. Currently, the North San José Taskforce is formulating an Implementation Strategy for the North San José area. The Taskforce has met twice on July 25, and August 23, 2007. Its next meeting is scheduled for September 13, 2007.



Information related to these meetings, including an ongoing FAQ, full notes from the community meetings, a summary of community issues, and a link to the North San José Task Force, are provided on the Vision North San José website at: <http://www.sanJoseca.gov/planning/nsj/>.

Notices for the Planning Commission and City Council public hearings were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. An on-site sign was placed on the site to provide information on the pending proposal. The Planning Department website contains information regarding the North San José area, including the Policy, development applications, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the rezoning applications. Staff has also been available to discuss the project with members of the public.

As of this writing, staff has received no written correspondence from members of the public regarding the proposed development. However, regarding concerns about development plans for North San José in general, staff has received a petition with almost 200 signatures. The petition is similar to petitions submitted by members of the North San José community for other development applications within North San José, and expressed concerns about possible redevelopment of the area in to higher intensity commercial and high density housing. The petition states that certain key components of highly-desirable communities are not addressed by the current planning efforts.

## ANALYSIS

The primary issues for this project are consistency with the *North San José Area Development Policy*, and the *Draft North San José Design Guidelines*.

### **Consistency with the North San José Area Development Policy (Policy)**

The *North San José Area Development Policy* provides for the development of up to 32,000 new residential dwelling units within North San José, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The Policy states that proposed conversions should be evaluated through the zoning process for conformance with City policies, and according to the following specific criteria:

#### Limits on Conversion

1. *A maximum of 285 acres of land may be converted to residential use within the areas designated as Transit Employment Residential District on the City's General Plan Land Use / Transportation Diagram.*
2. *New residential density must have a minimum net density of 90 DU/AC on at least 85 of those acres. The remainder must have a minimum net density of 55 DU/AC.*

The City Council has approved four rezonings to date for high-density residential development within the North San José Policy Area totaling 2,617 units on 51.4 acres in area (this includes the Sony site, which was approved by the City Council on August 28, 207). The project located at 4<sup>th</sup> St. and Gish Road (File Number PDC06-022) exceeded the minimum density of 90 DU/AC. Three projects (File Numbers PDC05-099, PDC06-085, and PDC06-038) were approved with densities within the range of between 55 DU/AC and 90 DU/AC.

The proposed project will result in the conversion of an additional 6.7 acres of land. If approved, the subject rezoning will result in the conversion of a cumulative total of 61.26 acres of the 285 provided for in the Policy. The proposed rezoning will meet or exceed the 55 DU/AC density requirement, but does not provide for conversion at 90 DU/AC.

### Compatibility with Industrial Uses

3. *The site must not contain an existing important vital or 'driving' industrial use.*
4. *The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.*
5. *The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g., an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions.*

The subject site is currently occupied by a vacant industrial building and the conversion of the site for residential purposes will not result in the displacement of a vital or “driving industry.

A risk assessment completed as part of the Initial Study for the project concluded that surrounding businesses do not appear to represent a credible threat to the project, assuming worst-case release of hazardous materials.

### Services and Amenities, Including Parks

6. *New parks, schools, community facilities and other supporting uses should be built within the Transit Employment Residential District overlay area to the extent feasible, but location of public facilities on land outside of the overlay area may be allowable to comply with other laws, policies and regulations. Suitable locations for these uses should be identified and included within a project when appropriate.*
7. *The site should be within 1,000 feet of an existing neighborhood or community park (at least 3 acres in size) or the proposed development through participation in the provisions of the City's Parkland Dedication Ordinance or voluntary donation would establish or contribute toward the establishment of a new park (at least 3 acres in size) within 1,000 feet of the project site. Staff will determine the most suitable site for a new park within the contiguous overlay area with the intent of identifying a centrally located and accessible park site. In some cases the most suitable site to provide a centrally located park site or to support a joint school-park use within a particular overlay area may be more than 1,000 feet from some properties within that overlay area. All residential projects are subject to the Parkland Dedication Ordinance and land dedication requirements will be consistent with the Ordinance in addition to the proximity requirement established here.*
8. *Master planning to identify sites for parks, schools and other public facilities as necessary must be completed within each of the seven new residential areas prior to any proposed conversion within that area.*

### Park size and configuration

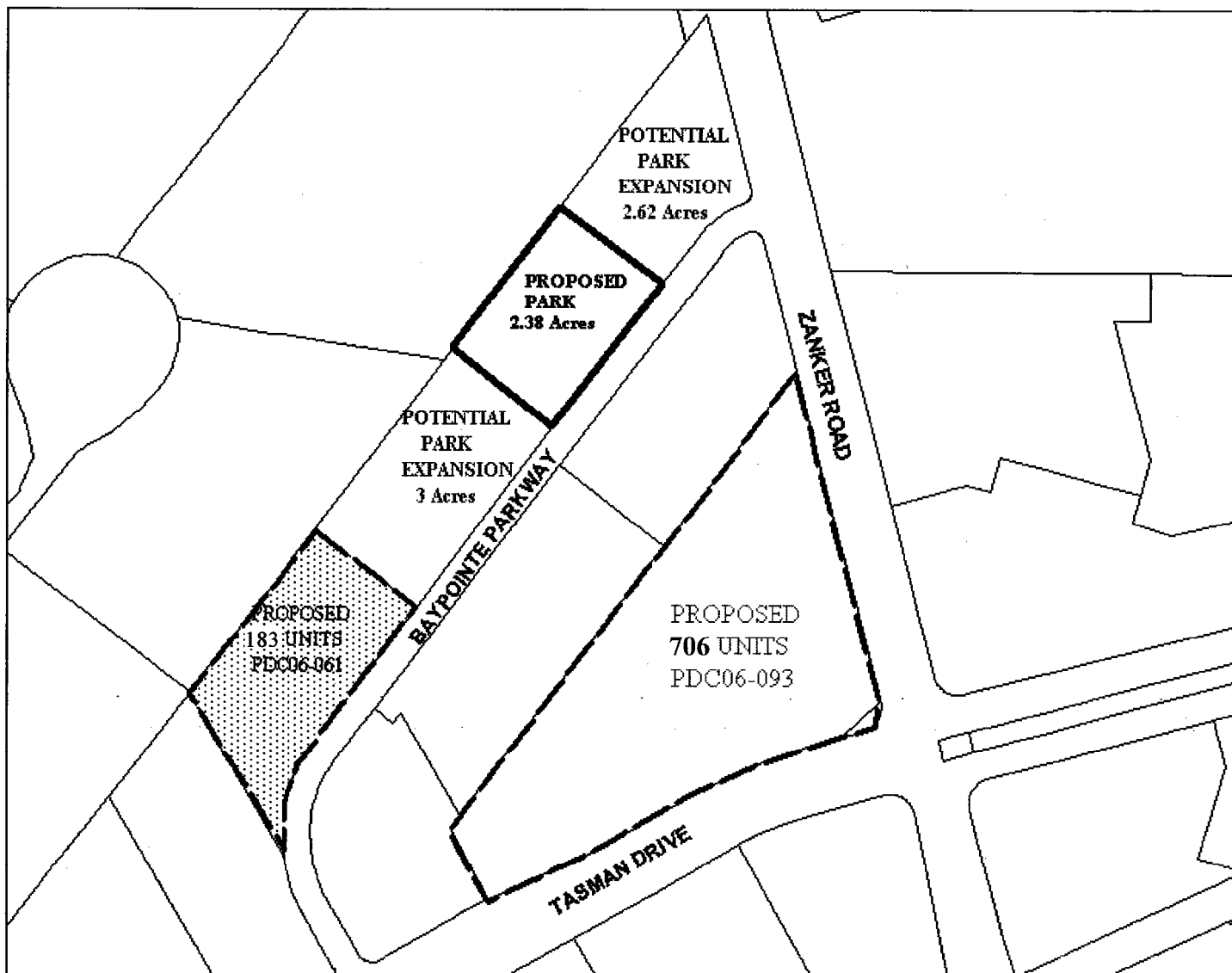
The North San José Policy requires that a feasible site or sites for a minimum of 5 acres of new neighborhood parklands be identified within each overlay area of 20 acres or larger prior to approval of any project within that overlay. Land for neighborhood parks in North San José is acquired through either the dedication of a portion of the proposed site or the acquisition of property in the vicinity of a project. Given the relatively small size of the site and number of units proposed, this project is too small to independently fulfill the full 5-acre need. Staff anticipates that this project will dedicate 2.38 acres of parkland as the developer has indicated, and additional

fees from other projects collected in accordance with the PDO/PIO will be utilized for the acquisition of parkland within this Transit Employment Residential Overlay area.

The applicant has indicated that they intend to fulfill the park requirements for this project, in combination with their other pending project (PDC06-061) for 183 units. As part of this project, they have proposed the dedication of a separate 2.38 acre parcel (225 Baypointe Parkway) as a public park (see map below). The proposed park site is between two similarly sized parcels, upon which the park could be eventually expanded to achieve a park of at least 5-acres in size. The dedication of the additional park land would take place in conjunction with anticipated residential development within the same overlay area.

Staff had originally recommended that a park be provided in a more centralized location on the southerly side of Baypointe Parkway which would have included the dedication of a portion of the other property proposed for development by the applicant. Staff is supportive of the alternative proposal given that it is also centrally located and will be accessible to residents of existing and proposed residential projects in the area. Staff realizes that the optimal location for a park is not always achievable, as absent the on-site dedication of parks, the park site is determined by what additional property is available and/or the developer can afford to purchase.

The proposed Development Standards include a requirement that "Prior to the issuance of a Planned Development Permit, a parkland agreement shall be finalized which demonstrates the project's compliance with the PDO/PIO in a manner which contributes towards the development of a public park, of a minimum of 5 acres in size, within 1,000 feet of the subject property, to the satisfaction of the Director of PBCE and PRNS. This could include the on-site or off-site dedication of land or payment of fees to go towards the acquisition of land for use as a park site." This condition would prevent the development of this project prior to the dedication of parkland to comply with the North San José Area Development Policy with respect to parks. Staff is not supportive of the development of this project absent adequate assurance that there will at least land dedicated for use as parkland within this Overlay area.



Neighborhood Park Proposal

### School Needs

Following a lawsuit with the City of Santa Clara, the City of Milpitas and the Santa Clara County, San José entered into a legal settlement agreement with those entities that included a modification to the text of the North San José Area Development Policy and an agreement to fund a school needs assessment study. Accordingly, the following text was added into the adopted Policy:

“Planning for a new school site and/or development of other strategies to address the need for expanded school capacity should be completed prior to the addition of 50 elementary, junior high or high school students within the new residential overlay areas.”

The Santa Clara Unified School District (SCUSD) has recently prepared a first draft of a Student Generation assessment that is intended to provide a projection of the likely near-term and long-term student generation rates for new residential development in North San José within the SCUSD area, including the subject project. The assessment will also address likely revenue to the school district associated with developer fees and tax increment increases. The City has reviewed the study and is not agreement with the methodology used, or the

conclusion of the assessment which in City staff's opinion, substantially exaggerates the number of students that will result from the proposed development in North San José.

Staff recognizes the importance of schools and other facilities (parks and recreational facilities, retail, etc.) to support the new residential development in North San José. While the outcome of the assessment is pending, it is anticipated that at least one new school will be needed over the time frame of the Policy. The City is obligated, per the terms of the settlement incorporated into the Policy, to plan for a school site (or pursue other strategies) prior to the addition of 50 students. As it will likely be two years or more before any of the new residential units are complete in North San José, the City has adequate time to complete this work in advance of the Policy requirement. Staff intends to incorporate a school strategy into a package of Vision North San José implementation policies to be brought to the City Council later this calendar year. The issue of school planning is also being addressed by the recently formed North San José Task Force to support and supplement the North San José Neighborhood Master Plan currently in preparation to address residential development and future community amenities.

The NSJ Policy provides an opportunity to plan at the neighborhood scale as each project is evaluated, but as noted above, does not require that a new school site be identified prior to approval of any particular project. The development of a residential project on the subject site will not preclude future identification of appropriate school sites. This particular site, in combination with other new development, will be contributing towards the creation of an approximately 5 acre for park to meet the neighborhood planning needs established in the Policy. Development of a new school will likely require 5 to 10 acres of land. The City does not have the ability to require this particular development to resolve a citywide issue. Because the school needs are not yet well defined and the subject zoning application is making a significant contribution toward the provision of community facilities by contributing toward acquisition of a 2.38-acre park site, it is staff's judgment that it is appropriate to proceed with a hearing for the project.

### **Consistency with the interim NSJ Design Guidelines**

The City has hired a consultant to prepare guidelines for use in review of development proposals in North San José to further the goals of the Vision NSJ policies. The City Council approved a contract that included an accelerated schedule for preparation of "interim design guidelines" with the express intention that those guidelines be used for the review of pipeline projects. These guidelines were presented to the community at a workshop held on April 21, 2007. Community members expressed support for the principles set forth in the guidelines and strongly requested that staff adhere to the guidelines for the review of pipeline projects. Because the guidelines are still in a preliminary draft format and were not available early in the review process for this project, the following evaluation is based on consistency with the most important principles set forth in the guidelines, emphasizing those that had also been raised in staff's initial comments to the applicant.

### **Setbacks**

A primary concern is that an appropriate amount of separation (setback) be provided between the proposed multi-story project and surrounding land uses. Consistent with the North San José street standard, the project proposes a 10-foot setback from new and existing local streets, and a 15-foot setback from existing arterial streets and expressways.

The project proposes 4 stories of residential units over two levels of parking. The lowest parking level will be completely sunk below grade, and the other parking level will be at grade, and will be wrapped by commercial retail space and by residential units and other residentially serving uses throughout. The proposed building will therefore have five stories above grade.

## Street Blocks

Consistent with the vision established within the adopted NSJ Policy, staff gave direction to the applicant at the beginning of this process to incorporate a new street grid system similar to what has been established at other recent residential development projects within North San José, with the intent of establishing a more walkable and urban residential neighborhood pattern. The applicant responded, however, that because of the particular conditions of this site, they would not be able to provide as many new streets as requested by staff and still have adequate space for a parking structure sized to meet their desired amount of parking. Staff agreed, as a compromise, to allow publicly-accessible paseos as an alternative to new streets, provided that the paseos are designed to closely emulate public street conditions.

The draft North San José design standards recommend an average block perimeter of 1,500 linear feet, with a minimum appropriate width for a paseo intended to emulate a public street to be 60 feet. (In the case of a public street, the minimum right-of-way of 56 feet plus the recommended minimum 10 foot building setback would result in at least 76 feet of building separation, often more). Other recently approved projects within North San José are consistent with these standards. Specific to this project, the paseos may be used to establish this grid system. The attached conceptual site plans illustrate the proposed street and paseo pattern for this project.

## New Public Street Design

The draft NSJ design guidelines under preparation, consistent with the adopted Area Development Policy, recommend that all non-arterial residential and industrial streets include on-street parking as a part of the urban character being promoted in the NSJ area. Where possible, existing streets should also be retrofitted to include on-street parking. On-street parking provides a buffer between sidewalks and street traffic that promotes pedestrian comfort and will also help to support more ground level retail uses. Having a consistent treatment of streetscapes throughout North San José is also one of the key goals of the guidelines.

The site design proposed by the applicant includes a combination of right-of-way and building setback areas adequate to accommodate the addition of on-street parking along the new public street that comply with these guidelines.

## Garage Screening

The draft NSJ design guidelines require that parking included within a residential podium project be either depressed halfway below grade with landscape screening or, if built at grade, be fully screened behind commercial uses or residential units located at grade. The project design is consistent with this standard in that the lowest parking level will be completely sunk below grade, and the other parking level will be at grade, and will be wrapped by commercial retail space and by residential units and other residentially serving uses throughout.

## Streetscape Design

Consistent with the draft NSJ design guidelines, staff has recommended that residential units have “front doors” (stoops) along all public street facades that have on-street parking. Individual unit entries or multiple building entries promote pedestrian activity, establish an attractive residential streetscape, and suggest a more urban character. Individual unit entries are proposed ground floor units which wrap around the proposed parking garages.

## Project Architecture

The NSJ Policy and draft design guidelines strongly encourage the incorporation of green building techniques and the use of innovative architectural styles consistent with the focus on technology, industry and innovation for the North San José area. The conceptual architecture submitted by the applicant depicts a post-modern architectural style that uses various panelized metal, fiber cement planks, and stucco finishes to express an urban character. Staff will work with the applicant at the Planned Development Permit stage to further refine the design character.

## **Neighborhood/Community Concerns**

At a variety of community meetings for projects in North San José, staff has received a significant amount of input related to the North San José Area Development Policy in general. Staff has also received a petition for this and other projects within North San José, signed by almost 200 residents of the River Oaks Neighborhood Association, stating that residential development within North San Jose should not occur without additional planning for schools, parks, and other services. Additionally, members of the North San José Taskforce have expressed concern that projects are being reviewed and scheduled for public hearing prior to completion of the Taskforce work plan. For this project, approximately ten community members attended the August 16, 2007 community meeting, and expressed concern over potential parking and traffic congestion, as well as the current lack of schools in the area. Because project specific issues and general concerns about intensification within North San José are interconnected for the community, both are discussed here.

In general, community members have expressed a significant level of concern related to implementation of the North San José Area Development Policy, specifically over impacts associated with the proposed intensification within North San José, including increased traffic levels, availability of schools, retail, parks, and other services to support new development, and the City's commitment to an inclusive public planning process. However, specific to the subject project, area residents have generally expressed that this project site is an adequate place for such proposed densities due to its proximity to an existing VTA light rail station.

As discussed above, the project has been designed to wrap around the proposed garages with residential and retail uses in order to activate the public streets with pedestrian activity. Development of a 5-acre park within this Transit Employment Residential Overlay area is key to developing a new residential neighborhood consistent with the intent of the North San José Area Development Policy. The applicant proposes to provide 2.38 acres of parkland, and, together with concurrent project PDC06-061, would provide PDO/PIO fees to improve the land with a park. The purchase and improvements of these additional 3 acres of park land are anticipated to occur with the residential development of other land within this overlay area. Therefore, staff supports approval of this rezoning application.

Additional concerns specific to the project can continue to be addressed through the Planned Development Permit process. The applicant has developed a project largely consistent with the City's policies in place at this time, including the neighborhood planning provisions included within the adopted Policy, and it is appropriate for this project to now be considered by the Planning Commission and City Council. Furthermore, approval of the subject project will not prevent the City from addressing school location or other needs and, by establishing a positive pattern of development, will help to establish the context for ongoing planning efforts.



## **CONCLUSION**

Approval of the proposed project will further the goals of the Vision North San José project, is consistent with the adopted North San José Area Development Policy and is generally consistent with the key elements of the design guidelines under preparation. Developing a neighborhood park system is a key goal component of the Vision and staff recommends accordingly that the project be approved so that land within a 1,000-foot radius of the subject property can be dedicated for use as a park.

## **RECOMMENDATION**

Planning staff recommends that the City Council adopt an ordinance approving the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation Transit Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the North San José Area Development Policy
3. The project is consistent with the compatibility, parking, and open space guidelines in the Residential Design Guidelines and draft North San José design guidelines.
4. The project is compatible with existing and planned uses in the surrounding neighborhood.

### **Attachments:**

Location Map

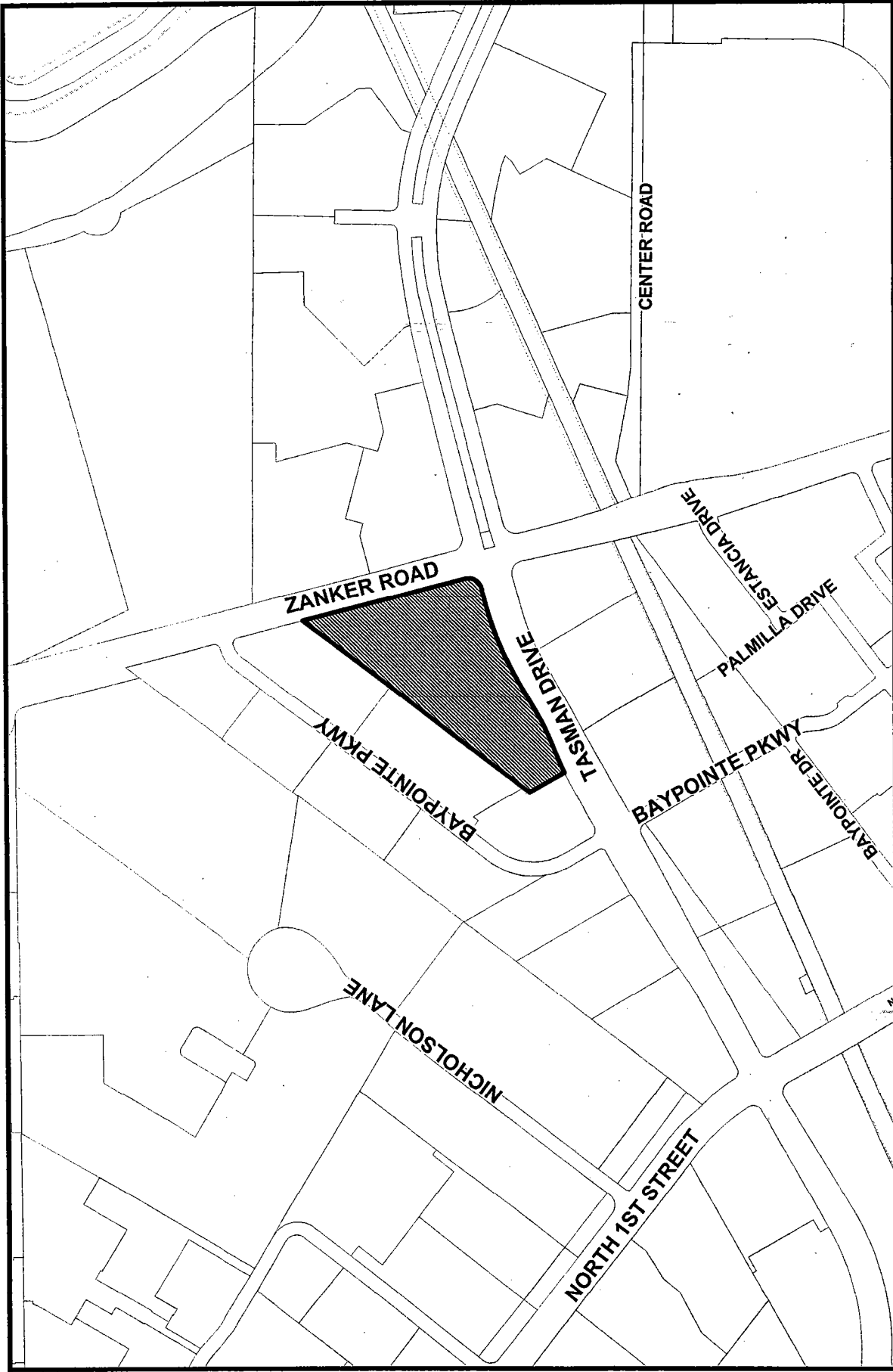
Addendum to the North San José Development Policies Update EIR (Resolution # 72768)

Development Standards

Letters from other departments and agencies

Letters of public concern

Plan set



File No: PDC06-093

District: 4

Quad No: 35

Scale: 1"= 600'

Map Created On: 08/23/2006

Noticing Radius: 1,000 feet



**ADDENDUM TO AN EIR  
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

**PROJECT DESCRIPTION AND LOCATION**

PDC06-093. Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning to allow up to 705 single-family and multi-family attached residences, 25,000 square foot retail space, and underground parking for a project located at the northwest corner of Zanker Road and Tasman Drive on a 10.01-gross-acre site from the Industrial Park (IP) Zoning District to the Planned Development A(PD) Zoning District..  
Council District 4. County Assessor's Parcel Number 097-07-086

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology      | <input checked="" type="checkbox"/> Noise                       |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials    | <input checked="" type="checkbox"/> Land Use                    |
| <input checked="" type="checkbox"/> Urban Services          | <input checked="" type="checkbox"/> Biotics                | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate                |
| <input checked="" type="checkbox"/> Energy                  | <input checked="" type="checkbox"/> Relocation Issues      | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation          | <input checked="" type="checkbox"/> Utilities              | <input checked="" type="checkbox"/> Facilities and Services     |
| <input checked="" type="checkbox"/> Water Quality           | <input type="checkbox"/> _____                             |   |

**ANALYSIS:**

See Attached Initial Study for the Northpointe Project, File No. PDC06-093, August 2007

Rodrigo Orduña, AICP  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Sept. 4, 2007  
Date

Andrew Crabtree  
Deputy

**EXHIBIT C: LAND USE PLAN AND DEVELOPMENT STANDARDS**

**PLANNED DEVELOPMENT ZONING PDC06-093**

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these standards conflict with the information on the plan set, these development standards take precedence.

**PERMITTED USES**

Multi-family attached uses including resident-serving support uses such as offices, club houses, fitness rooms, meeting rooms, and other residential amenities. The use of these amenities shall be restricted to the residents and their guests. Home occupations in conformance with the Zoning Ordinance, as amended, are permitted by right.

Maximum of 25,000 square feet of commercial uses, only as a vertically mixed-use with residential; commercial uses as permitted within the Pedestrian Commercial (CP) Zoning District, as amended. Commercial uses conditionally permitted within the Pedestrian Commercial (CP) Zoning District require prior approval of a Planned Development Permit Amendment prior to installation and/or development within this Planned Development Zoning District.

Minimum net density: 55 dwelling units per acre

Up to 710 attached condominium residences.

Until such time that the property redevelops, the existing structures shall have the use allowances of the Industrial Park (IP) Zoning District, as amended. Special and Conditional uses in that district shall require issuance of a Planned Development Permit. Small additions or changes to existing or new structures shall be subject to separate review and approval by the Director of Planning, Building, and Code Enforcement. Upon demolition and/or redevelopment of the site(s), the new development shall conform to the residential densities and development standards specified herein.

**DEVELOPMENT STANDARDS**

<b>Maximum Height:</b>	70 feet
	All garage levels with walls exposed to public streets and/or public pedestrian access easements shall be set at least at half-level below grade.

**Perimeter Setbacks From Property Line (minimum):**

Baypointe Parkway Frontage	10 feet to Building
Zanker Road Frontage	15 feet to Building
Tasman Drive Frontage	15 feet to Building

New Public Street Frontage 10 feet to Building

Internal Property Lines 30 feet to Building

**Setback Encroachments:**

Minor architectural projections, such as minor building faces, chimneys, sills, eaves, canopies, bay windows, stoops, porches, balconies, and stairs may project into all setbacks to a maximum of 10 feet into the setback.

**Parking:**

**Vehicular Parking**

Per the Zoning Ordinance, as amended (a 10% reduction for proximity to transit is applicable per the Zoning Ordinance, as amended).

Tandem parking is permitted within garage open parking configuration to satisfy the total required parking for residential uses.

**Guest Parking**

Per Zoning Ordinance, as amended

**Bicycle Parking**

Per Zoning Ordinance, as amended

**Motorcycle Parking**

Per Zoning Ordinance, as amended

**Open Space:**

A combination of common and private open space at a ratio of at least 160 square feet per unit

**Building Design:**

The building and site design shall comply with the City of San José design guidelines, as amended, to the satisfaction of the City Council and the Director of Planning, Building, and Code Enforcement. The Director of Planning, Building, and Code Enforcement maintains the discretion to approve and implement minor changes to the City Council approved land use plan and development standards with respect to heights, building locations, setbacks, open space, and parking through issuance of Planned Development Permit.

**Landscaping:**

The Property Owner and/or Home Owner's Association shall maintain on site landscaping areas and landscaping areas along the public right-of-way areas/streets to the satisfaction of the Director of Public Works.

**Signage:**

All signage for residential uses shall comply with the standards for signage within the Multiple Residence (RM) Zoning District, as amended.

**Homeowners' Association:**

A Home Owners' Association shall be established for all owners of all ownership residential units. The Association will be responsible for maintenance of all common areas including but not limited to parking, vehicular and pedestrian circulation, and all common landscaping.

**Performance Standards:**

Per Zoning Ordinance for residential uses, as amended

**GENERAL NOTES**

**Inclusionary Housing:**

The City shall consider and provide pursuant to California Government Code Section 65915 and local requirements those density bonuses and incentives required under such State and local laws, as applicable.

Applicant shall comply with the City of San José Policy on Implementation of the Inclusionary Housing Requirement of Health and Safety Code Section 33413 (b) (2), as amended in connection with any and all portions of the Project involving the construction or substantial rehabilitation of residential units that will be located in a redevelopment project area to the satisfaction of the Director of Planning, Building and Code Enforcement.

**Parkland Dedication Ordinance and Park Impact Ordinance:**

Development of the site shall conform to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

Prior to the issuance of a Planned Development Permit, a parkland agreement shall be finalized which demonstrates the project's compliance with the PDO/PIO in a manner which contributes towards the development of a public park, of a minimum of 5 acres in size, within 1,000 feet of the subject property, to the satisfaction of the Director of Planning, Building, and Code Enforcement, and the Director of Parks, Recreation, and Neighborhood Services. This could include the on-site or off-site dedication of land or payment of fees to go towards the acquisition of land for use as a park site.

**Public Improvements:**

All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of Building Permit(s), the applicant shall be required to obtain a Public Works Clearance. Said Clearance shall require execution of a construction agreement that guarantees the completion of the public improvements.

**Street Trees:**

The Public right-of-way shall be planted with street trees as directed by the City Arborist.

**Tree Preservation and Removal:**

Trees proposed for removal shall be mitigated as follows:

- A. Ordinance size trees shall be replaced at a 4:1 ratio with 24-inch box trees.

- B. 12" – 17" diameter trees shall be replaced at a 2:1 ratio with 24-inch box trees.
- C. Less than 12" diameter trees shall be replaced at a 1:1 ratio with 15-gallon trees.

### **Water Pollution Control Plant Notice**

Pursuant to part 2.75 of chapter 15.12 of the San José Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San José – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San José – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the State of California Regional Water Quality Control Board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

### **Post-Construction Storm Water Treatment Controls**

The City's National Pollutant Discharge System (NPDES) Permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned Development Permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the Director of Planning, Building, and Code Enforcement.

### **Public Works Conditions:**

#### **1. Transportation:**

- a) Consistent with North San Jose EIR , this project is required to pay a traffic impact fee. The 2007 fee is \$7463.00 per single-family unit and \$5,971 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permits issued.

#### **2. Sanitary Sewer**

- a) A sanitary sewer study to analyze the impact of additional sanitary sewer flows from the on the local sanitary sewer mains was prepared for the project. This study included continuous flow monitoring at various locations and the sanitary sewer flow projections from ultimate built out of this area per the approved NSJ area development policy.
- b) The sewer report identified the following mitigation projects for the ultimate build out of the this particular area which includes replacement of all existing industrial park with 2,500 single family attached housing units:
  - i) Tasman Drive, from Baypointe Parkway to North First Street: replace 1271 linear feet of 8-inch VCP with 12-inch VCP.
  - ii) Baypointe Parkway, from Tasman Drive to Zanker Road: replace 676 linear feet of 8-inch VCP with 10-inch VCP
  - iii) Tasman Drive, from Zanker Road to Baypointe Parkway: replace 807 linear feet of 8-inch VCP with 10-inch VCP.
- c) This project proposes to build 706 single-family and multi-family attached residences, 25,000 square foot retail space, and underground parking on a 10.01 gross acre site and will be required to construct above improvements or contribute a fare share towards to the construction of this mitigation projects.



- d) From the sewer capacity analysis, it was concluded that, the existing sanitary sewer system will be at capacity after the build out of 400 units at this location. Upsizing of the pipes will be required once this limit has been reached. Note: This total includes building permits for all 183 residential units from the 163 Baypointe Parkway project PDC06-061.
- e) The estimated construction cost for these improvements is \$1,112,837.00. This number divided by the number of minimum units to be constructed (2,500) provides the pro-rated cost per unit which equals to \$445 per unit. This rate is subject to 3.3% annual escalation. The cost per unit must be paid to City of San Jose, before obtaining Public Works clearance for building permits.
- f) Before the issuance of building permit number 217 for this project, the developer will be required to prepare construction documents and provide bonds for the sewer improvement projects mentioned above.

**3. Flood: Zone AH Elevation 9 feet 1929 NGVD**

- a) The flood zone designation for the majority of the project site is Flood Zone AH with base flood elevation 9 feet (based on 1929 NGVD), effective October 25, 2006, by a Letter of Map Revision (LOMR) issued by the FEMA
- b) This project is proposing to construct a below-grade parking garage for a 4-story building. The Federal Emergency Management Agency's (FEMA's) minimum requirements for Zone AH prohibit the construction of below-grade enclosures beneath residential buildings. However, below-grade enclosures may be permitted for mixed-use structures with only non-residential uses on the ground floor.
- c) This project has applied for a Letter of Map Revision Based on Fill (LOMR-F) to FEMA for removal from the 100-year floodplain.
  - i) The Conditional Letter of Map Revision Based on Fill (CLOMR-F), that provides comment on the proposed project by FEMA, is required prior to issuance of a building permit.
  - ii) The approved LOMR-F is required prior to issuance of an occupancy permit.
  - iii) A Floodproofing Certificate (FEMA Form 81-65), floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection & Maintenance Plan may be required prior to issuance of a building permit.
- d) If a CLOMR-F is not issued by FEMA, the following conditions apply:
  - i) Elevate the lowest floor, including basement, above 12.00' NAVD 1988.
  - ii) An Elevation Certificate (FEMA Form 81-31) based on construction drawings is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required prior to issuance of an occupancy permit.
  - iii) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.
- e) The project is also within the 1987 North San Jose Floodplain Management Study area. A study update to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose was completed on September 2006. Based on the Study Update, this project will not be subject to any blockage requirement
- f) **Zone X**  
Most of the area for this project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for zone X

**4. Street Improvements:**

- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- b) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
- c) Close unused driveway cut(s).
- d) The project shall install 12 feet attached sidewalk with tree wells along Zanker Road and Tasman Drive.
- e) An irrevocable offer of dedication for the future public street shall be made to City of San Jose. The project shall built full section of the proposed 56-feet ROW along the north south direction of the project and half street section along the east west direction. This street section will continue to function as a private street until the adjacent property is developed. This street shall be maintained by the future home owners association until such time.
- f) Upgrade handicap ramps to meet current ADA requirements by installing the detectable warning feature (see CSJ Standard Details R-10 or R-11) at the opposite returns across Zanker Road and Tasman Drive (NE/c, NW/c and SW/c).
- g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)

**ENVIRONMENTAL MITIGATION**

The following environmental mitigation measures shall be included in the project at the Planned Development Permit stage. A full list of the project mitigation is included in the findings adopted for the project in City Council Resolution Number \_\_\_\_\_. The Mitigation Measures are required as part of the “163 Baypointe Parkway Project” Initial Study that was certified for the subject project. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

**Air Quality During Demolition**

1. The following dust control measures shall be implemented by project contractors during demolition and on-site recycling of materials and shall be reflected as notes on the project plans prior to issuance of demolition permits:
  - Water to control dust generation during demolition of structures and break-up of pavement. Concrete crusher should add water to materials at point(s) of entry and whenever materials will be dropped or dumped;
  - Cover all trucks hauling demolition debris from the site;
  - Use dust-proof chutes to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials;

- All crushing or screening equipment used on site for the recycling of materials will be permitted by the Bay Area Air Quality Management District or the state's portable equipment statewide registration program, and utilize Best Available Control Technology for that type of equipment.

#### **Air Quality During Construction**

2. The following construction practices shall be implemented during all phases of construction on the project site and shall be reflected as notes on the project plans prior to issuance of grading or building permits:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non toxic stabilizers or dust palliatives;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard;
- Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all parking areas and staging areas at construction sites;
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff related impacts to water quality;
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;
- Apply non toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Minimize idling time (5 minutes maximum);
- Maintain properly tuned equipment;
- Limit the hours of operation of heavy equipment and/or the amount of equipment in use.

3. The following construction practices shall be implemented during all phases of construction on the project site and shall be reflected as notes on the project plans prior to issuance of grading or building permits:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit, as established by City ordinance. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of

Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g., portable concrete crusher) as far as possible from sensitive receptors.
- Utilize "quiet" air compressors and other stationery noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- The contractor or project applicant shall designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The applicant shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

#### **Hydrology, Drainage, and Water Quality**

6. The project will use permeable podiums which consist of paving stones underlain with gravel or drain rock overlying a sloped concrete structural pad with waterproofing/protection board/drain mat. Where feasible the project will direct storm water runoff from the impervious areas of the site to permeable pavement and media filtration units.
7. The project shall comply with Provision C.3 of the City of San José's NPDES Permit, which provides enhanced performance standards for the management of storm water for new and redevelopment projects.
8. The project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which establishes general guidelines and minimum Best Management Practices (BMPs) for specific land uses. BMPs that may be used on the site include:
  - Landscape swales;
  - Planter boxes;
  - Mechanical treatment units (hydrodynamic separators);
  - Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay"; and
  - Covering all trash enclosures and materials handling areas.
9. Prior to construction of any phase of the project, the City shall require the applicant(s) to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of

California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The

10. Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:
  - Soil stabilization practices;
  - Sediment control practices;
  - Sediment tracking control practices;
  - Wind erosion control practices; and
  - Non-storm water management and waste management and disposal control practices.
11. Prior to issuance of a Grading Permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.
12. Each phase of development shall comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

#### **Biological Resources**

13. All trees to be removed from the site shall be replaced at the City's tree replacement ratios.
14. In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building & Code Enforcement, at the Planned Development Permit stage:
  - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may be located in the nearby neighborhood and include street trees in surrounding neighborhood streets, trees in local parks or schools, or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement after prior input from the applicant and the community.
  - A donation of \$300 per mitigation tree to San José Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

16. Trees proposed for retention on the site shall be protected under the following Tree Preservation Guidelines prepared by the project arborist and outlined below.

- Prior to initiation of construction activity, temporary barricades shall be installed around all trees in the construction area. Six-foot high, chain link fences are to be mounted on steel posts, driven two feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. These barricades will be placed around individual trees and/or groups of trees as the existing environment dictates. The temporary barricades will serve to protect trunks, roots and branches from mechanical injuries, will inhibit stockpiling of construction materials or debris within the sensitive 'drip line' areas and will prevent soil compaction from increased vehicular/pedestrian traffic. No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground around the tree canopy shall not be altered. These barricades should remain in place until final inspection of the building permit, except for work specifically required in the approved plans to be done under the trees to be protected. Designated areas beyond the drip lines of any trees should be provided for construction materials and on site parking.
- During and upon completion of any trenching/grading operation within a tree's drip line, should any roots greater than one (1) inch in diameter be damaged, broken or severed, root pruning to include flush cutting and sealing of exposed roots should be accomplished under the supervision of a qualified arborist to minimize root deterioration beyond the soil line within twenty-four (24) hours.
- Pruning of the foliar canopies to include removal of deadwood is recommended and should be initiated prior to construction operations. Such pruning will provide any necessary construction clearance, will lessen the likelihood or potential for limb breakage, reduce 'wind-sail' effect and provide an environment suitable for healthy and vigorous growth.
- A program of fertilization by means of deep root soil injection is recommended with applications in spring and summer for those trees to be impacted by construction. Such fertilization will serve to stimulate feeder root development, offset shock/stress as related to construction and/or environmental factors, encourage vigor, alleviate soil compaction and compensate for any encroachment of natural feeding root areas. Inception of this fertilizing program is recommended prior to the initiation of construction activity.
- A supplemental irrigation program for pine and redwood trees shall be accomplished at regular three to four week intervals during the period of May 1st through October 31st. Irrigation is to be applied at or about the 'drip line' in an amount sufficient to supply approximately 15 gallons of water for each inch in trunk diameter. Irrigation can be provided by means of a soil needle, 'soaker' or permeable hose. When using 'soaker' or permeable hoses, water is to be run at low pressure, avoiding runoff/puddling, allowing the needed moisture to penetrate the soil to feeder root depths.
- Mulching with wood chips (maximum depth three inches) within tree environments (outer foliar perimeter) shall be used, as appropriate, to lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.
- Periodic inspections by the project arborist shall be completed during construction activities, particularly as trees are impacted by trenching/grading operations. Inspections at approximate

four week intervals would be sufficient to assess and monitor the effectiveness of the Tree Preservation Plan and to provide recommendations for any additional care or treatment.

### **Hazardous Materials and Hazards**

17. Although hazardous materials contamination that could impact future residential uses has not been identified on the site, the project includes the following measures to avoid potential impacts in the event hazardous materials contamination is encountered during building demolition and site excavation:

- The project will comply with all procedures outlined in the Soil Management Plan for the demolition and excavation activities on site. A qualified engineer or geologist will visit the site during demolition activities to monitor the removal of pavement and concrete slabs. The qualified engineer or geologist will observe exposed soils for evidence of odors or staining. If potentially contaminated soil is identified during site observation, additional assessment will be conducted consisting of soil sampling, laboratory analysis and data evaluation.
- Soils exported from the site will be tested in compliance with the Soil Management Plan.
- Future residents of the site would be unlikely to have contact with existing soils on the site since most of the units proposed by the project will be built over a podium structure. In the event future residents could come into contact with soils in unexcavated areas of the site, samples will be taken at depths of six to twelve inches below the ground surface in these areas following site clearance and prior to building construction. Samples shall be analyzed for metals, VOCs, petroleum hydrocarbons, and organochlorine pesticides. Any contaminated soils identified in these areas will be remediated to a level appropriate for residential use. Results of the sampling shall be submitted for review to the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement and the City's Environmental Compliance Officer prior to issuance of building permits in the sampling area.

### **Cultural Resources**

18. A qualified archaeologist shall be retained to inspect the development areas after the removal of existing buildings, parking lots, and landscaping areas to search for archaeological deposits which may have survived previous building episodes on the property. In the event any materials are discovered, the project archaeologist shall provide the Director of Planning, Building, and Code Enforcement with a proposal to evaluate the discovery through a program of limited hand excavation to determine: 1) if the deposit is historically undisturbed, and 2) if the deposit(s) possess research qualities which may make them eligible for inclusion on the California Register of Historic Resources. In the event that evaluation demonstrates the presence of historically intact and significant resource deposits, work should remain halted in the area designated by the project archaeologist until a mitigation plan is submitted to the Director of Planning, Building, and Code Enforcement for review and approval. Mitigation measures may include limited data recovery through hand excavation coupled with a program of archaeological monitoring inside the area designated as archaeologically sensitive. The mitigation plan will ensure that all significant archaeological materials are identified, recorded, and/or removed for additional analysis prior to work recommencing in the area of the archaeological discovery.

19. In the event any unanticipated prehistoric or significant historic era cultural materials are exposed during construction, all grading and/or excavation operations within 50 feet of the find shall be halted, the Director of Planning,



20. Building and Code Enforcement shall be notified, and a qualified professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.
21. In the event that human remains are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
  - In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
  - A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.

# Memorandum

**TO:** Rodrigo Orduna  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 08/30/07

---

**PLANNING NO.:** PDC06-093  
**DESCRIPTION:** Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning to allow up to 705 single-family and multi-family attached residences, 25,000 square foot retail space, and underground parking on a 10.01 gross acre site  
**LOCATION:** northwest corner of Zanker Road and Tasman Drive  
**P.W. NUMBER:** 3-05887

Public Works received the subject project on 08/08/07 and submits the following comments and requirements.

## Project Conditions:

**Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

## Project Conditions:

**Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

**2. Transportation:**

- a) An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
- b) Consistent with North San Jose EIR , this project is required to pay a traffic impact fee. The 2007 fee is \$7463.00 per single-family unit and \$5,971 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permits issued.
- c) An operational traffic analysis was prepared for on site circulations, sight distance, queuing capacities at the intersections of Tasman and Zanker, First and Tasman. Based on the analysis, no additional impacts were identified and the existing roadway is adequate to serve the proposed project.

**3. Sanitary Sewer**

- a) A sanitary sewer study to analyze the impact of additional sanitary sewer flows from the on the local sanitary sewer mains was prepared for the project. This study included continuous flow monitoring at various locations and the sanitary sewer flow projections from ultimate built out of this area per the approved NSJ area development policy.
- b) The sewer report identified the following mitigation projects for the ultimate build out of the this particular area which includes replacement of all existing industrial park with 2,500 single family attached housing units:
  - i) Tasman Drive, from Baypointe Parkway to North First Street: replace 1271 linear feet of 8-inch VCP with 12-inch VCP.
  - ii) Baypointe Parkway, from Tasman Drive to Zanker Road: replace 676 linear feet of 8-inch VCP with 10-inch VCP
  - iii) Tasman Drive, from Zanker Road to Baypointe Parkway: replace 807 linear feet of 8-inch VCP with 10-inch VCP.
- c) This project proposes to build 705 single-family and multi-family attached residences, 25,000 square foot retail space, and underground parking on a 10.01 gross acre site and will be required to construct above improvements or contribute a fare share towards to the construction of this mitigation projects.
- d) From the sewer capacity analysis, it was concluded that, the existing sanitary sewer system will be at capacity after the build out of 400 units at this location. Upsizing of the pipes will be required once this limit has been reached. Note: This total includes building permits for all 183 residential units from the 161 Baypointe Parkway project PDC06-061.
- e) The estimated construction cost for these improvements is \$1,112,837.00. This number divided by the number of minimum units to be constructed (2,500) provides the pro-rated cost per unit which equals to \$445 per unit. This rate is subject to 3.3% annual escalation. The cost per unit must be paid to City of San Jose, before obtaining Public Works clearance for building permits.

- f) Before the issuance of building permit number 217 for this project, the developer will be required to prepare construction documents and provide bonds for the sewer improvement projects mentioned above.
4. **Storm Sewer:**
- a) The existing storm sewer pipes on Baypointe and Zanker Road were designed to current standard which is to convey 10-year design storm.
  - b) No additional impacts from the project were identified.
5. **Grading/Geology:**
- a) A grading permit is required prior to the issuance of a Public Works Clearance.
  - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
  - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
  - d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
6. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
  - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
  - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs

and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

- d) There will be a maintenance fee contribution of \$24,000.00 for the proposed CDS unit on the proposed public streets. This fee must be paid before issuance of Public Works clearance for building permits.

7. **Stormwater Peak Flow Control Measures:** Projects that are required to install treatment control measures are encouraged to comply with the requirements of the City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) to control the project's hydromodification impacts that can cause increased erosion and other impacts to beneficial uses of local rivers, streams and creeks.

- a) It is recommended that the project install treatment control measures that have flow-control benefits such as bioretention facilities, infiltration trenches, filter strips, and vegetated swales.

8. **Flood: Zone AH Elevation 9 feet 1929 NGVD**

- a) The flood zone designation for the majority of the project site is Flood Zone AH with base flood elevation 9 feet (based on 1929 NGVD), effective October 25, 2006, by a Letter of Map Revision (LOMR) issued by the FEMA
- b) This project is proposing to construct a below-grade parking garage for a 4-story building. The Federal Emergency Management Agency's (FEMA's) minimum requirements for Zone AH prohibit the construction of below-grade enclosures beneath residential buildings. However, below-grade enclosures may be permitted for mixed-use structures with only non-residential uses on the ground floor.
- c) This project has applied for a Letter of Map Revision Based on Fill (LOMR-F) to FEMA for removal from the 100-year floodplain.
  - i) The Conditional Letter of Map Revision Based on Fill (CLOMR-F), that provides comment on the proposed project by FEMA, is required prior to issuance of a building permit.
  - ii) The approved LOMR-F is required prior to issuance of an occupancy permit.
  - iii) A Floodproofing Certificate (FEMA Form 81-65), floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection & Maintenance Plan may be required prior to issuance of a building permit.
- d) If a CLOMR-F is not issued by FEMA, the following conditions apply:
  - i) Elevate the lowest floor, including basement, above 12.00' NAVD 1988.
  - ii) An Elevation Certificate (FEMA Form 81-31) based on construction drawings is required prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required prior to issuance of an occupancy permit.
  - iii) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.

- e) The project is also within the 1987 North San Jose Floodplain Management Study area. A study update to reflect the completed Downtown and Lower Guadalupe River Flood Protection Projects and to show the resulting blockage requirements for applicable projects in North San Jose was completed on September 2006. Based on the Study Update, this project will not be subject to any blockage requirement
  - f) **Zone X**  
Most of the area for this project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for zone X
9. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
10. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
11. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
12. **Street Improvements:**
- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
  - c) Close unused driveway cut(s).
  - d) The project shall install 12 feet attached sidewalk with tree wells along Zanker Road and Tasman Drive.
  - e) An irrevocable offer of dedication for the future public street shall be made to City of San Jose. The project shall built full section of the proposed 56-foot ROW along the north south direction of the project and half street section along the east west direction. This street section will continue to function as a private street until the adjacent property is developed. This street shall be maintained by the future home owners association until such time.
  - f) Upgrade handicap ramps to meet current ADA requirements by installing the detectable warning feature (see CSJ Standard Details R-10 or R-11) at the opposite returns across Zanker Road and Tasman Drive (NE/c, NW/c and SW/c).
  - g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for

processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)

13. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and as such is subject to the following:
  - a) Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
14. **Electrical:**
  - a) Relocate existing electrolier to maintain 10' minimum clearance between driveway and electrolier.
  - b) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
  - c) Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 10' in commercial areas and 5' in residential areas.
  - d) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 15 working days.
15. **Street Trees:**
  - a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - c) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
16. **Private Streets:**
  - a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
  - b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.
17. **Referrals:** This project should be referred to the County Roads and Airports Department.



Planning and Building  
08/30/07  
**Subject: PDC06-093**  
Page 7 of 7

Please contact the Project Engineer, Amit Mutsuddy, at (408) 535- 6828 if you have any questions.

A handwritten signature in black ink, appearing to read "Dr. Ebrahim Sohrabi", with a long horizontal flourish extending to the right.

Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

ES:AM  
6000\_22680321007.DOC  
c:



March 16, 2007

City of San Jose  
Department of Planning and Building  
200 East Santa Clara Street  
San Jose, CA 95113

Attention: Rodrigo Orduna

Subject: City File No. PDC06-093 / Zanker-Northpointe Residential

Dear Mr. Orduna:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the revised plans for Planned Development Zoning to allow up to 670 single-family and multi-family attached residences, 20,000 square foot retail space, and an underground parking garage on a 10.01 gross acre site located at the northwest corner of Tasman Drive and Zanker Road. We have the following comments.

#### Bus Service

Based on our review of the site plan, the project appears to be adjacent to VTA's bus stop on westbound Tasman Drive, west of Zanker Road. The bus stop serves routes 33, 58, 140, and 330 as well as ACE service. Therefore, we still recommend that the following bus stop improvements be incorporated into the project.

- Bus stop to be maintained at current location
- Maintain bus pad or provide new 10' x 55' bus pad if curb lane modified, consistent with *VTA Bus Stop Pavement Details (Figure 26 and Technical Specifications, attached)*
- Provide a 22' curb lane or provide bus duckout (See the attached *Figure 22, Typical Bus Duckout*)
- Maintain 8' sidewalk in bus stop area or provide 8' x 40' passenger waiting area
- No trees, tree wells, or shrubs in the bus loading zone

#### Bicycle Parking

The response from BORM did not differentiate between Class I and Class II bike parking spaces as recommended in our comments.

City of San Jose  
March 16, 2007  
Page 2

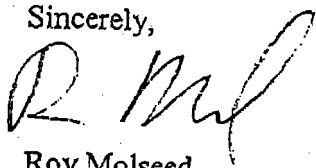
Class I secure parking is recommended for residents and employees, while racks are recommended for visitors, customers, and short term parking needs. Please describe more fully the bike parking provisions and locations for these four main users: residents, short-term visitors of the residential units, the employees of the retail development and the customers of the retail development. Consult the Bicycle Technical Guidelines (BTG) for discussion of the location considerations for racks and Class I parking.

Class I Parking: Although the BTG recommends a minimum of one space per two units, it is strongly recommended that the development have an average of one secure bike space per unit that only the tenant of that unit has access to. Bike racks in the garage do not provide the same level of security as bike lockers or individual locked storage units; the latter for example, could have a wall or ceiling hook to hold a bicycle.

Class II. Parking: The proposed bike rack design shown on sheet 7.5 is satisfactory for Class II parking as it meets the criteria in the BTG. Bike racks should be placed near the building entrances and at recreation sites, e.g. pool, as well as retail sites.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

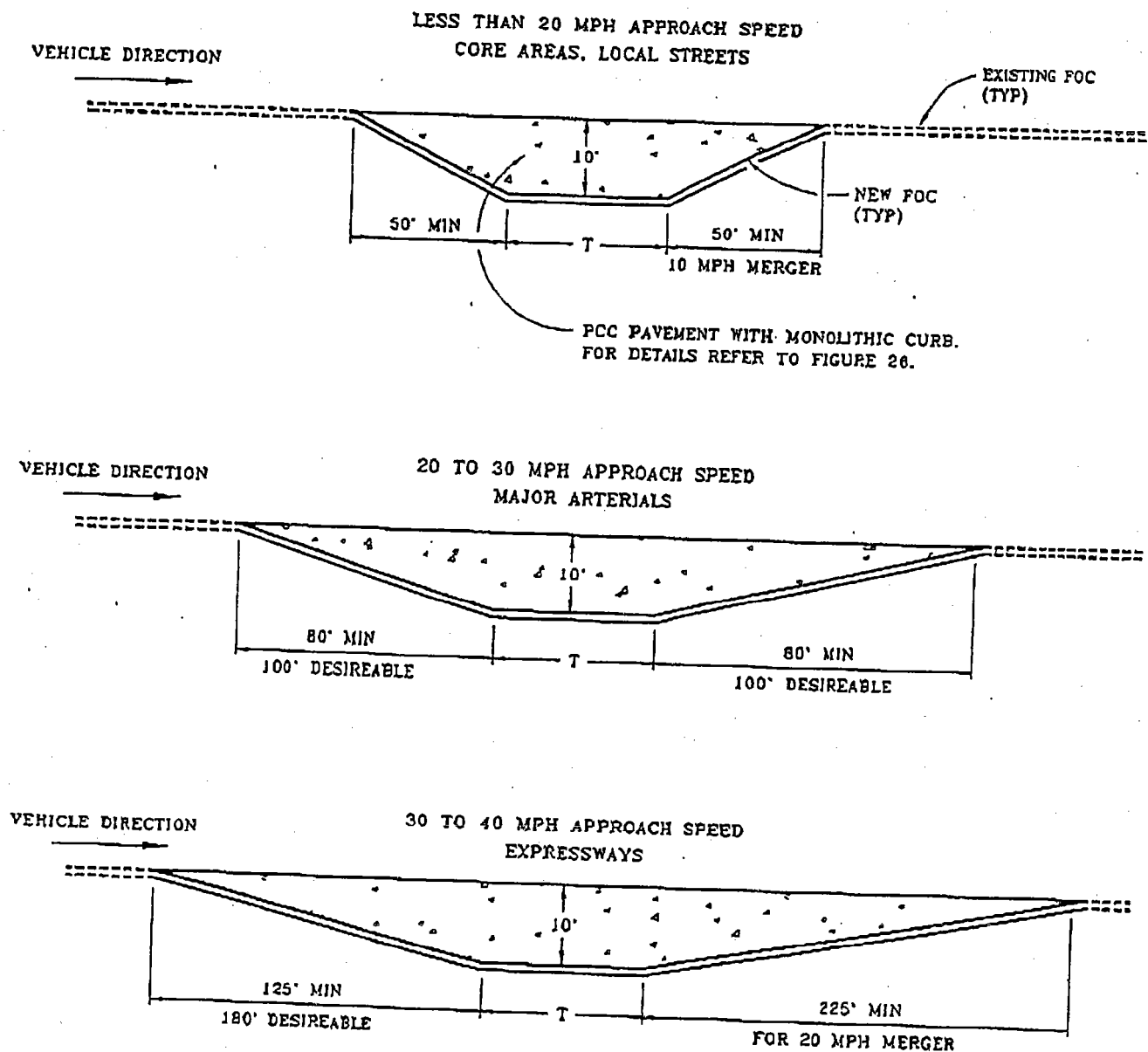


Roy Molseed  
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Public Works  
Samantha Swan, VTA

SJ0632



### PLAN VIEW

#### NOTE:

T (TANGENT LENGTH) = 55' REQUIRED FOR ONE BUS STOP.  
 = 55' + 70' (X-1). WHERE X = # OF BUSES  
 (USE AT MAJOR TRANSFER TERMINAL)

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

TYPICAL BUS DUCKOUT

FIGURE 22

## TECHNICAL SPECIFICATIONS

1. P.C.C. pavement with monolithic curb and gutter shall conform to the provisions in Section 40, "PORTLAND CEMENT CONCRETE PAVEMENT," and Section 90, "PORTLAND CEMENT CONCRETE" of the State Standard Specifications and these special provisions.
2. P.C.C. pavement shall be class A with a flexural strength of 650 psi at the age of 28 days to be determined by Test Method ASTM C78. Polypropylene fibers (Fibermesh or approved equal), length 1/2", shall be added to the concrete at a rate of 1 1/2 lbs/cy.
3. After spreading and compacting, P.C.C. concrete shall be given a preliminary finish, which shall be smooth and true to grade. In advance of curing operations, the pavement shall be given a final rough broom finish with grooves having a depth of 1/8" perpendicular to the curb and gutter.
4. All newly - placed concrete shall be cured in accordance with the provisions in Section 90-7, "Curing Concrete," of the State Standard Specifications. Curing compound to be used shall be applied to the P.C.C. following the surface finishing operations immediately before the moisture sheen disappears from the surface and before any drying, shrinkage or craze cracks begin to appear. Curing compound shall be applied at a nominal rate of one gallon per 150 square feet. At any point, the application rate shall be within +/- 50 square feet per gallon of the nominal rate specified.
5. Sawcutting of the contraction joints must be performed within 24 hours after concrete has received final surface finish.
6. Contractor shall protect P.C.C. Pad as specified in Section 90-8.03, "Protecting Concrete Pavement." Where public traffic will be required to cross over new pavement, and if directed by the Engineer, Type III Portland Cement shall be used in concrete. When Type III Portland Cement is used in concrete, and if permitted in writing by the Engineer, the pavement may be opened to traffic as soon as the concrete has developed a modulus of rupture of 550 pounds per square inch. The modulus of rupture will be determined by Test Method ASTM C78.

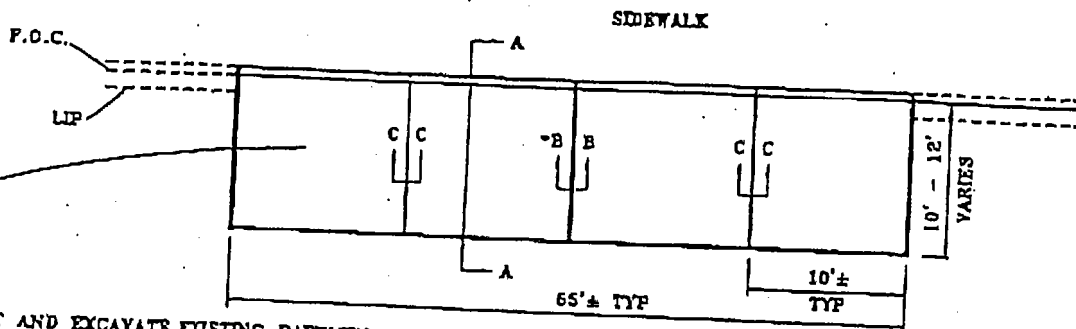
No traffic or Contractor's equipment, except as hereinafter provided, will be permitted on the pavement before a period of ten (10) calendar days has elapsed after the concrete has been placed, nor before the concrete has developed a modulus of rupture of at least 550 pounds per square inch. Concrete that fails to attain a modulus of rupture of 550 pounds per square inch within 10 days shall not be opened to traffic until directed by the Engineer.

Equipment for sawing contraction joints (weakened plane joints) will be permitted on the pavement as specified in Section 40-1.08B, "Weakened Plane Joints," of the State Standard Specifications.
7. Contraction joints, expansion joints and gaps between the P.C.C. pad and the existing pavement section shall be cleaned and sealed prior to permitting traffic on the pad. Joint sealing compound shall be type "A" joint seal and shall conform to the provisions of Section S1-1.12F of the State Standard Specifications. The 2 component polyurethane sealant shall be State Specification 8030 - 61J - 01 or approved equal.

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

### *BUS STOP PAVEMENT DETAILS*

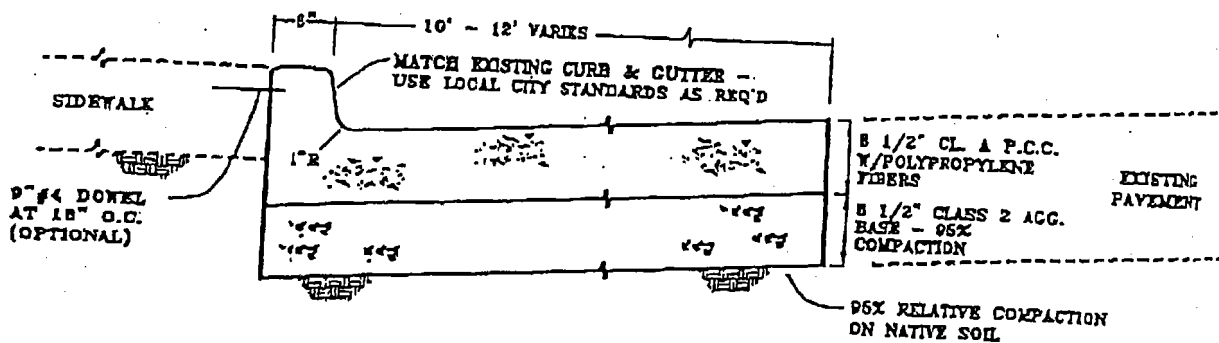
ATTACHMENT I FOR FIGURE 26



SAWCUT AND EXCAVATE EXISTING PAVEMENT, INCLUDING CURB & CUTTER. REPLACE WITH P.C.C. PAVEMENT SECTION AND MONOLITHIC CURB.

### PLAN VIEW

\*EXPANSION JOINT SHALL BE PLACED AT 1/2 THE LENGTH OF THE P.C.C. PAD.  
IN LONG PADS, EXPANSION JOINTS SHALL BE PLACED AT APPROXIMATELY 60 FOOT INTERVALS OR AS SPECIFIED BY THE ENGINEER.



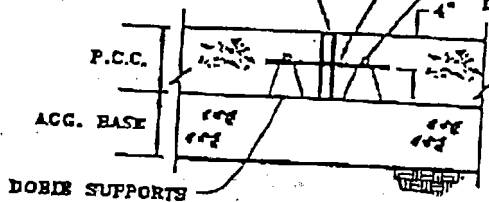
### SECTION A-A

PCC PAVEMENT WITH MONOLITHIC CURB

INSTALL 5/4" WIDE FIBER FABRIC TO 1/2" BELOW FINISHED SURFACE. FILL REMAINDER WITH APPROVED SEALING COMPOUND; ROUND CORNERS TO 1/4" R.

#9 DOWELS-18" LONG SMOOTH BAR @ 18" O.C. LUBRICATE BOTH ENDS OF DOWEL

#4 BARS TO STABILIZE #9 DOWELS



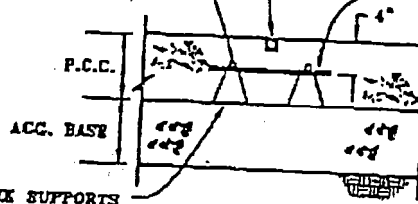
### SECTION B-B

EXPANSION JOINT

2 3/4" X 1/4" WIDE SAWCUT CONTRACTION JOINT. FILL WITH APPROVED WITH APPROVED SEALING COMPOUND

#4 BARS TO STABILIZE #9 DOWELS

#9 DOWELS-18" LONG SMOOTH BAR @ 18" O.C. LUBRICATE BOTH ENDS OF DOWEL



### SECTION C-C

CONTRACTION JOINT

NOTE: FOR TECHNICAL SPECIFICATIONS REFER TO ATTACHMENT 1.



SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

BUS STOP PAVEMENT DETAILS

FIGURE 26

# Memorandum

**TO: Rodrigo Orduna**  
PBCE Dept.

**FROM: David J. Mitchell**  
PRNS Dept.

**SUBJECT: PDC06-093 – APN 97-07-086**

**DATE: 3-2-07**

The above referenced project is a Planned Development Rezoning to allow up to 671 attached residential units and 21,225 square feet of commercial space on a 10.012 gross acres site located on the northwest corner of Tasman Drive and Zanker Road in CD4.

If the rezoning is approved by the City, the project must then comply with the requirements of the Parkland Dedication Ordinance (PDO). Due to its size of the proposed housing project is over 50 units and per the requirements of both PDO and PIO, the City can request the Developer to dedicate land as stated in the North San Jose Policy Area Plan, or to pay the associated park in-lieu fees. The Developer is proposing an off-site dedication, which is acceptable to PRNS.

Restricted low, very-low and/or extremely-low income units are exempt from both the PDO and PIO. Developer shall indicate to staff how many units are restricted as low, very-low and/or extremely-low income units. The proposed residential project can provide up to 50% of its total parkland obligation by including private recreational features within the project. Base on the plans provided, PRNS has estimated that 55 residential units would be covered by private recreational features. Assuming 53 units are exempt and 55 units are covered by private recreational features leaves 563 units associated with the off-site dedication requirement of approximately 3.9 acres.

Developer will need to provide evidence regarding those units meeting the low, very-low and/or extremely-low income units that will be restricted for at least 30 years along with 8.5" x 11" exhibits of the private recreational features to be recorded with the parkland agreement.

If the proposed project is approved, and if the project obtains a Plan Development Permit, a Site Development Permit and/or a Tentative Map by July 9, 2007, then the project would be subject to the current fees at 70% of the 2001 land values and would be subject to such fees until January 31, 2009. The PDO In-Lieu Fee are due before the project's final map is approved, or as a condition of the City's approval of the project's final map, the developer can enter into a parkland agreement with the City, which provides for payment of the parkland fees in full, concurrent with the issuance of the building permits, which actual creates the residential units, but no later than one year after the City's approval of the final map. The PIO In-Lieu Fees are due prior to the issuance of the building permit which creates the actual residential units. If the project does not have a Plan Development Permit, a Site Development Permit, and/or a Tentative Map by July 9, 2007, then it will be subject to the fees in effect at the time of payment. If the project obtains a Plan Development Permit, a Site Development Permit, and/or a Tentative Map by July 9, 2007, but has not paid its In-Lieu Fees on or before January 31, 2009, then the project would be subject to the fees in effect at the time of payment.

If you have any questions, please give me a call at 408-793-5528.



DAVID J. MITCHELL  
Parks Planning Manager

# Memorandum

**TO:** Joseph Horwedel  
Acting Director of Planning

**FROM:** Officer Bill Miller #2786  
CPTED Detail

**PROJECT MANAGER:** Jeff Roche

**DATE:** September 11, 2006

**PLANNING FILE #:** PDC06-093

**LOCATION:** Northwest corner of Zanker Rd and Tasman Dr.

**DESCRIPTION:** Zoning to allow up to 670 single-family and multi-family attached residences, 20,000 square foot retail space, and underground parking on a 10.01 gross acre site.

---

## Security Concerns:

- **The parking structure**
- **Lack of guest parking**

The following comments are a guide for safety and security concerns that may affect a high-density development such as the one being proposed. These comments are for initial design and may change as the project develops further details. It should be noted that emphasis should be placed on **security in the parking garage, and resolving guest-parking issues**. It is recommended that a development this size have on-site security.

## ADDRESSING:

- A complex map is recommended which incorporates an elevated view of the development buildings and addresses. It should be illuminated during the hours of darkness and positioned so as to be readily readable from main pedestrian access entrance(s), or placed contiguous to a vehicular entrance to the development where it will not cause stacking problems when being viewed.

## LIGHTING:

- Adequate lighting of parking garage and associated driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site.



## LANDSCAPING:

- Landscaping should be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.

## FENCING/ACCESS CONTROL:

- Access control should be implemented to the parking structure. Adequate pedestrian and vehicular access control to the development can mitigate many potentially problematic safety issues with regard to surveillance and unwanted entry. A slightly recessed access control gate should be utilized at all parking garage openings. It can be recessed enough so the development won't take on the appearance of a "fortress" but not so far away from the opening that a possible entrapment/ambush area is created.
- To further enhance safety, I strongly recommend that a "digital keypad" type entry system be utilized for apartment residence access, (over keycards, scanners, etc.). This type of entry allows for quick and unhampered emergency personnel access to the interior of the development in the event of a critical incident or medical emergency. This is because emergency personnel in route to an event can confidentially access the entry code via a mobile computer.

## LINE OF SIGHT/NATURAL SURVEILLANCE:

- If they exist, common use facility rooms such as conference, laundry, TV rooms, etc. should have doors that contain transparent material for surveillance, especially in areas that could provide surveillance into the internal hallways. Designing a window contiguous to the door would serve the same purpose. Designing doors to these types of rooms so that they can be locked open during hours of use is another recommendation.
- Wide-angled peepholes should be incorporated into all dwelling front doors and to all solid doors where visual scrutiny to the door from public or private space is compromised.
- **Stairwells and elevator lobbies should be of open design whenever structurally possible.**
- It is highly desirable to design an elevator shaft and cab to be transparent, making occupants of the cab visible from the outside.
- Convex mirrors should be installed in elevator cabs and at stairwell landings.
- Trash enclosures should not hinder needed surveillance.
- Other line of sight obstructions including recessed doorways, alcoves, etc., should be avoided on building exterior walls, and interior hallways.

### **PARKING STRUCTURE:**

- The interior of the structure should be painted a light, highly reflective color.
- Metal halide, or other bright white light source, should be utilized. No dark areas should exist inside the structure.
- A clearly marked, hands-free emergency phones/panic alarms should be placed centrally in throughout the structure.
- It is recommended that the parking structure be monitored by CCTV.
- All storage, maintenance, and trash rooms within the parking garage should have doors which cannot be locked from the inside, and that close and lock quickly and automatically upon exit.
- Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns and other open construction should be utilized over a solid wall design.
- Whenever possible, stairwells should be of open design. When, by necessity, a stairwell is enclosed, convex mirrors should be placed at each stairwell landing, and the stairwell doors should employ as much transparent material as fire code allows.
- Convex mirrors should be placed inside elevator cabs.
- Access control should be utilized for vehicular and pedestrian traffic.
- No trespassing/loitering signage should be placed at entrances and other appropriate locations. (Specifications attached.)

### **MISCELLANEOUS:**

- File Emergency Notification Form 200-14 with the Police Dept.

Officer William R. Miller #2786  
Environmental Design Detail  
San Jose Police Department

# *Memorandum*

**DATE:** 09/07/06

**TO:** Jeff Roche

**FROM:** Nadia Naum-Stoian

Re: Plan Review Comments

**PLANNING NO:** PDC06-093

**DESCRIPTION:** Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning to allow up to 670 single-family and multi-family attached residences, 20,000 square foot retail space, and underground parking on a 10.01 gross acre site

**LOCATION:** northwest corner of Zanker Road and Tasma Drive

**ADDRESS:** northwest corner of Zanker Road and Tasma Drive (3811 ZANKER RD)

**FOLDER #:** 06 025097 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on the following information from drawings dated 8/18/06 by SB Arch.

Largest building: 300,000 sq. ft.

Construction Type: Min. V 1HR

Occupancy Group: R1/S3/M/A

Number of stories: 4 over underground garage

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) Fire apparatus access roads are not in accordance with the requirements of the SJFC.

The conditions required for access are not met-see list below.

- b) The plans do not indicate that the required fire flow of 4500GPM will be available at the project site. Please ask the applicant to immediately contact Tim Town of San Jose Municipal Water Service at 408- 277-3671 to get the water flow information.
- c) The plans do not show location of hydrants. The required fire flow shall be provided through 4 hydrants.

2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
- be at least 20 feet wide;
  - have an unobstructed vertical clearance of not less than 14 feet;
  - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
  - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
  - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet; and
  - have a gradient less than or equal to 15%.
  - **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
    - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
    - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**
- b) Location of fire hydrants. The average distance between hydrants shall not exceed 250 feet.

All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. There shall be multiple fire department connections –for both sprinkler system(s) and stand pipe system(s)-on opposite ends of the building subject to the approval of the San Jose Fire Department.

- c) Available fire flow. Provide a copy of the letter from San Jose Municipal Water Service that indicates the water flow available.
- d) Provide Fire Department personnel route of travel for the interior podium for access to all interior rescue windows. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression. All exterior stairways to interior podium shall be 6 feet wide for the fire personnel for reasons as noted.
- e) Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation. The maximum angle for laddering is 70deg. from horizontal. Show all pertaining details including landscaping and pavers in relation to rescue window operation.

**Note:** The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.

Nadia Naum-Stoian  
Fire Protection Engineer  
Bureau of Fire Prevention  
Fire Department  
(408) 535-7699

# County of Santa Clara

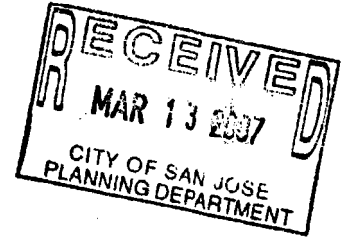
Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400



March 7, 2007

Mr. Rodrigo Orduna, AICP  
Project Manager  
City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara, Third Floor  
San Jose, CA 95113



Subject: Referral of Second Submittal of Project Drawings and Request for Response Comments  
Project File Numbers: PDC 06-093 and PT 06-083, Zanker Road /Tasman Drive

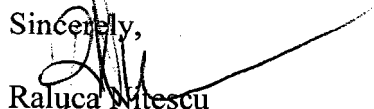
Dear Mr. Orduna,

Your February 27, 2007 letter along with the second submittal for the subject project have been reviewed. Our comments are as follows:

1. Roads and Airports Department comment from the letter dated September 5, 2006 is still valid.
2. Please provide a copy of Environmental Impact Report/ Traffic Impact Report for our review and comments.

Thank you for the opportunity to review and comment on this project. If you have any questions, please contact Felix Lopez at (408)-573-2462.

Sincerely,

  
Raluca Nitescu  
Project Engineer

Attachment: Letter dated September 5, 2006

Cc: MA, AP, WRL, FL, File

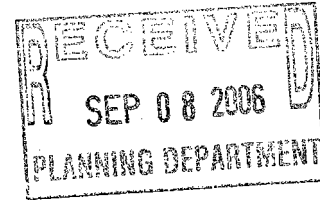
# County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400



September 5, 2006



Mr. Jeff Roche  
Project Manager  
City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113

Subj: Planned Development Rezoning from Industrial Park Zoning to Planned Development Zoning  
City File No: PDC06-093 APN: 09707086

Dear Mr. Roche:

We have received and reviewed your transmittal and Land Use Plan (C2.01) dated August 23, 2006, for the Planned Development Rezoning from (IP) Industrial Park Zoning District to a (PD) Planned Development Zoning to allow 670 single family and multi-family attached residences, 20,000 sq ft of retail spaces, and underground parking garage on a 10.01 acre lot located at the northwest corner of Zanker Road and Tasman Drive.

This project will have significant impact to Montague Expressway. Submit a traffic impact report and mitigation measures for impacts on County facilities for our review and comments.

Thank you for the opportunity to review and comment on this project. If you have questions, please call me at (408) 573-2462.

Sincerely,

  
Felix Lopez  
Project Engineer

cc: MA, AP, WRL, RN, file



SANTA  
CLARA  
UNIFIED  
SCHOOL  
DISTRICT

1889 Lawrence Rd.  
P.O. Box 397  
Santa Clara, CA  
95052  
(408) 423-2000  
ROD ADAMS  
SUPERINTENDENT

September 5, 2006

Jeff Roche,  
Project Manager  
City of San Jose  
Department of Planning  
200 East Santa Clara Street  
San Jose, CA 95113-1905

FAXed to 408-292-6055

Re: City File No. PDC06-093

APN: 09707086

Dear Jeff:

Santa Clara Unified School District (SCUSD) opposes the construction of 670 single family and multi-family attached residences on the northwest corner of Zanker Road and Tasman Drive.

We are opposed to this development on the grounds that we will not receive any ongoing tax revenue from this project since it is located within the San Jose Redevelopment Area. This would be a tremendous financial hardship for SCUSD.

We also oppose this development on the grounds that the area where it is proposed to be built is within the North San Jose Plan area. We will not approve any building in this area until we reach resolution on how the City of San Jose plans to build additional schools to support the students coming out of this area and how the City plans to compensate Santa Clara Unified School District for the education of these students absent tax revenue from development in this area.

If you have any questions, please contact me at 423-2005.

Sincerely,

Rod Adams,  
Superintendent

c: SCUSD Board of Trustees  
Council member Chuck Reed  
Supervisor Jim Beale  
Supervisor Pete McHugh  
Dick Noack, Hopkins & Carley

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## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** September 4, 2007

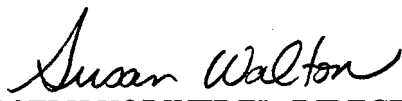
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### T R A N S M I T T A L   M E M O

**COUNCIL DISTRICT:** 4  
**SNI:** NA

**PDC06-093. PLANNED DEVELOPMENT REZONING FROM IP INDUSTRIAL PARK ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING TO ALLOW UP TO 705 SINGLE-FAMILY AND MULTI-FAMILY ATTACHED RESIDENCES, 25,000 SQUARE FOOT RETAIL SPACE, AND UNDERGROUND PARKING ON A 10.01 GROSS ACRE SITE, LOCATED AT/ON THE NORTHWEST CORNER OF ZANKER ROAD AND TASMAN DRIVE.**

The Planning Commission will hear this project on September 12, 2007. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

  
*for* JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Andrew Crabtree at (408) 535-7800.